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702-388-6336

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT LEE WALKER,

Defendant.

Case No.: 2:15-CR-061-JCM-GWF

**GOVERNMENT'S MOTION TO  
DISMISS INDICTMENT PURSUANT TO  
FED. R. CRIM. P. 48(A)**

COMES NOW the United States of America, by and through its attorneys, DANIEL G. BOGDEN, United States Attorney, and PHILLIP N. SMITH, JR., Assistant United States Attorney, and respectfully seeks leave of court pursuant to Federal Rule of Criminal Procedure 48(a) to dismiss the Criminal Indictment filed against the Defendant, Robert Lee Walker, on March 3, 2015, charging him with one (1) count of Felon in Possession of a Firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). *See* Docket #18.

On October 13, 2015, the Magistrate Judge issued a Report & Recommendation ("R&R") recommending that the Defendant's Motion to Suppress (*see* Docket #39) be granted. The Government does not intend to file Objections to the Magistrate Judge's R&R. Given the R&R's recommendation that the firearm that was found on the Defendant be suppressed, the

1 Government does not wish to continue with the instant prosecution. Consequently, the instant  
2 case should be dismissed, and the Government hereby so moves.

3 Dated this the 27th day of October, 2015.

4 Respectfully Submitted,

5 DANIEL G. BOGDEN  
6 United States Attorney

7 /s/

8 By: \_\_\_\_\_  
9 PHILLIP N. SMITH, JR.  
10 Assistant United States Attorney  
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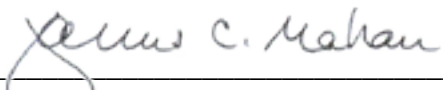
Defendant.

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**ORDER OF DISMISSAL**

Based on the Motion of the Government, and good cause appearing therefore, **IT IS ORDERED**, that pursuant to the Government's Motion to Dismiss Indictment, and in accordance with Fed. R. Crim. P. 48(a), the Criminal Indictment filed on March 3, 2015 in the above-captioned case is hereby **DISMISSED**.

DATED this 28th day of October, 2015.

  
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Hon. JAMES C. MAHAN  
UNITED STATES DISTRICT JUDGE